

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK


-----X	:	
LAMAR BROWN, <i>on behalf of himself and</i>	:	
<i>all others similarly situated,</i>	:	
	:	
Plaintiff,	:	23-CV-2886 (VSB)
-against-	:	
	:	<b><u>ORDER</u></b>
LARK IN THE MORNING, INC.,	:	
	:	
Defendant.	:	
-----X	:	

VERNON S. BRODERICK, United States District Judge:

Plaintiff Lamar Brown filed this action on April 6, 2023, (Doc. 1), and Defendant Lark In The Morning, Inc. filed its answer on June 20, 2023, (Doc. 9). On June 29, 2023, I entered a Case Management Plan and Scheduling Order, which directed the parties to file a post-discovery letter (the “PDC Letter”) by January 9, 2024. (Doc. 12.) Because the parties failed to file a PDC Letter by January 9, I sua sponte extended the deadline until January 16, 2024. (Doc. 16.) In doing so, I warned the parties that failure to comply with my order would lead to dismissal of the case for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). (*Id.*) To date, the parties have failed to file a PDC Letter. Accordingly, Plaintiff’s claims are dismissed without prejudice pursuant to Rule 41(b). The Clerk of Court is respectfully directed to terminate this action.

SO ORDERED.

Dated: January 18, 2024  
New York, New York

  
VERNON S. BRODERICK  
United States District Judge